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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Docket No. 19-CR-171-ABJ
)	
MATTHEW "TY" BARRUS,)	
GREGORY J. BENNETT and)	
DEVIN E. DUTSON,)	
)	
Defendant.)	

MOTION TO MODIFY SUBPOENA AS TO GIBSON CONDIE

Gibson Condie, by his CJA attorney, Thomas B. Jubin of JUBIN & ZERGA, LLC, hereby moves the Court to modify the jury trial subpoena issued in this matter by Defendant Devin Dutson to Gibson Condie. As grounds for this motion, the Defendant informs the Court as follows:

1. Gibson Condie has been served a subpoena by Defendant Devin Dutson. Mr. Condie was a defendant in prior federal criminal proceedings, United States District Court for the District of Wyoming, Docket No. 17-CR-124. He entered into a plea agreement in that matter and was convicted. His plea agreement may permit the federal government to prosecute Mr. Condie with further or other crimes based upon information that it may deem

was unknown at the time of his plea. Further, his agreement explicitly does not bind the State of Wyoming as concerns any prospective criminal prosecution.

2. Pursuant to the advice of counsel, Mr. Condie will assert his Fifth Amendment privilege against self-incrimination in response to every substantive question posed to him if called to testify in the matter, including as a result of having been subpoenaed.

3. Mr. Condie's affidavit of such intent is attached hereto.

4. Cognizant of the procedure typically employed outside the presence of the jury, during which the witness (in this case Mr. Condie) asserts the Fifth Amendment, states his intent to continue to do so, and is thereupon released from his subpoena, Mr. Condie requests that he be permitted to do so via videoconference in the virtual presence of all parties and the Court.

5. Because such proceedings are outside the presence of the jury, the confrontation rights of the criminal defendants in this case are not implicated.

6. In light of his intent to assert the Fifth Amendment Privilege, it would be unduly burdensome for Mr. Condie to travel from his home in Walla Walla, Washington, to Cheyenne, Wyoming, as required by his subpoena.

7. The government informs that it takes no position on this motion. Counsel for the respective defendants inform that each does not object to the remote video procedure described herein.

8. A proposed order is submitted herewith.

WHEREFORE, Gibson Condie, respectfully requests the Court to modify the subpoena issued to him in the above referenced docket as proposed, permitting him to appear by video conference.

DATED this 1st day of March, 2022.

Gibson Condie, by

/s/ Thomas B. Jubin

Thomas B. Jubin

Jubin & Zerga, LLC

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Cheyenne, WY 82003

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CERTIFICATE OF SERVICE

This pleading was filed with the ECF on this 1st day of March, 2022, causing it to be served on the parties entitled to service.

s/ Thomas B. Jubin

Thomas B. Jubin